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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**
Plaintiffs,

v.

SAJEL HATHI, in her official capacity as head
of the Oregon Health Authority, & **SARA
WALKER**, in her official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

**JAROD BOWMAN and JOSHAWN
DOUGLAS-SIMPSON,**
Plaintiffs,

v.

SARA WALKER, Interim Superintendent of the
Oregon State Hospital, in her official capacity,
SAJEL HATHI, Director of the Oregon Health
Authority, in her official capacity,
Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

DECLARATION OF THOMAS STENSON
IN SUPPORT OF REPLY ON MOTION FOR
CONTEMPT

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DECLARATION OF THOMAS STENSON IN SUPPORT OF REPLY ON MOTION FOR CONTEMPT

I, Thomas Stenson, declare as follows:

1. I am over the age of 18 and competent to testify to the matters asserted herein.
2. I am a resident of Oregon and an attorney for Plaintiff Disability Rights Oregon.

Peer-Support Respite Centers

3. In 2021, the Oregon Legislature passed House Bill 2980, and the governor signed the bill. It became law and is codified at ORS 430.275.
4. The law requires Oregon Health Authority to fund four peer-support respite centers for people experiencing mental health symptoms to a degree that may lead to a “need for a higher level of care such as psychiatric inpatient hospital services.”
5. As of June 2024, an OHA-commissioned study of OHA’s behavioral capacity indicated that “peer Respite Centers are not licensed or certified and are not online in Oregon yet.” Public Consulting Group, [Oregon Health Authority Behavioral Health Residential & Facility Study](#), at 56 (June 2024)
6. Of the [grants made available](#), one grant for the Portland metro area was awarded to, then withdrawn from, Black Mental Health Oregon. That grant has since been re-awarded to [Folktime](#). One grant was awarded to the Stabbin’ Wagon, to provide peer respite in southern Oregon. Another grant was awarded to [Project Able](#).

7. Project Able's peer support home opened in December 2024 or January 2025. Folktime projects opening of the peer support home for early 2025. The southern Oregon peer support home has been held up in a [zoning dispute with the city of Ashland](#). DHS did not find a grantee for the fourth home, which must by law be located in central or eastern Oregon.
8. I learned of the ongoing zoning dispute between the grantee developing a peer respite center and the city of Ashland. After reviewing the issue, I sent a substantial letter in support, analyzing the matter under the Fair Housing Act, the Americans with Disabilities Act, and other nondiscrimination laws. A true and correct copy of this letter is attached as Exhibit A.
9. On January 7, I reached out to counsel for Defendants by email, encouraging Defendants to weigh in favor of the grantee's claims, so that the long-delayed project could move forward. Defendants' counsel responded that she would discuss the matter with OHA. A true and correct copy of this email exchange is attached as Exhibit B.
10. I have reviewed numerous letters and documents submitted into the record in the Ashland proceedings, both for and against the development of the peer respite home. No message from the Oregon Health Authority or the state of Oregon was recorded at any point by the City of Ashland in the last six weeks.
11. I regularly field concerns about group homes, treatment centers, and similar placements for people with disabilities being zoned out of a particular area in a city, forced to go through a protracted or expensive conditional use process, or otherwise discriminated against by a city or county. These practices have long been prohibited [by federal law](#).

Discriminatory land use practices are condemned by [both the U.S. Department of Justice and the U.S. Department of Housing and Urban Development.](#)

12. On behalf of Disability Rights Oregon and people with disabilities, I regularly participate in such disputes, to support the equal right of people with disabilities to live where they want to. I typically write letters outlining the scope of legal protections and testify at land use hearings.
13. In the course of this work, I frequently encourage the state agencies, such as DHS or OHA, that fund these projects to participate and advocate for the services they fund. I also encourage the state Department of Justice to assist, in its role as a protector of civil rights. Typically, I see no response from any state agency in support of the applicant.
14. These protracted land use proceedings are expensive for the would-be provider, who typically must hire an attorney to represent them in the land use hearings. Even if the applicant is ultimately successful, the applicant usually ends up opening their services later than they would otherwise.
15. These matters often come down to a matter of resources. Wealthy neighbors may be able to wear down a small nonprofit organization, by dragging appeals through the city council and up to the Land Use Board of Appeals. Even if an organization has an excellent legal argument, they also need funding to sustain their arguments.
16. In the Ashland matter, one neighbor leading an effort to oppose the peer support home is a former state legislator, former district attorney, and former president of the Medford

City Council. A couple that owns another neighboring property hired their own attorney to oppose the land use.

17. Additional resources and advocacy from the state agency could be invaluable in such cases. State advocacy would address much of the disparity in resources between the parties.

Other Records

18. Dr. Pinals' reports have each been disclosed to the court, but not routinely entered into the record. Her first report (ECF 262-1), second report (ECF 262-2), third report (ECF 313-1), and sixth report (ECF 426-3) are already admitted in the record. In the interest of completeness of the record, her other reports are provided as exhibits.
19. A true and correct copy of [Dr. Pinals' fourth report](#) is attached as Exhibit C.
20. A true and correct copy of [Dr. Pinals' fifth report](#) is attached as Exhibit D.
21. A true and correct copy of [Dr. Pinals' seventh report](#) is attached as Exhibit E.
22. A true and correct copy of [Dr. Pinals' eighth report](#) is attached as Exhibit F.
23. A true and correct copy of [Dr. Pinals' ninth report](#) is attached as Exhibit G.
24. A true and correct copy of [Dr. Pinals' tenth report](#) is attached as Exhibit H.
25. A true and correct copy of [Defendants' OSH Forensic Admission and Discharge Dashboard, January 2025](#), is attached as Exhibit I.

26. A true and correct copy—with the names of individual patients redacted—of the Oregon State Hospital/Psychiatric Security Review Board Conditionally Ready for Release List from February 10, 2025 is attached as Exhibit J.
27. A true and correct copy of an OHA-commissioned report of the Public Consulting Group, [Oregon Heath Authority Behavioral Health Residential & Facility Study](#) (June 2024), is attached as Exhibit K.
28. A true and correct copy of a screenshot of the [OHA Behavioral Health Housing and Licensed Capacity Investments Dashboard](#), featuring the “capacity by quarter” tab, was taken on February 14, 2025 and is attached as Exhibit L.
29. A true and correct copy of a screenshot of the [OHA Behavioral Health Housing and Licensed Capacity Investments Dashboard](#), featuring the “grants overview” tab, was taken on February 14, 2025 and is attached as Exhibit M.
30. A true and correct copy of a screenshot of the [OHA Behavioral Health Housing and Licensed Capacity Investments Dashboard](#), featuring the “grants overview” tab, filtered for projects with no grant agreement executed, was taken on February 14, 2025 and is attached as Exhibit N
31. A true and correct copy of a screenshot of the [OHA Behavioral Health Housing and Licensed Capacity Investments Dashboard](#), featuring the “overall bed capacity” tab, was taken on February 14, 2025 and is attached as Exhibit O.

32. A true and correct copy of a September 2023 [press release](#) issued by the Oregon Health Authority, promising that “[m]ore than 1,000 new residential and supportive housing units” would “come available by July 2025,” is attached as Exhibit P.

DATED this 14th day of February 2025.

DISABILITY RIGHTS OREGON

s/ Thomas Stenson

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